THE INDIAN ELECTRICITY (BOMBAY AMENDMENT) ACT, 1946.

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BOMBAY ACT No. XVIII OF 1946.[1]

[THE INDIAN ELECTRICITY (BOMBAY AMENDMENT) ACT, 1946.]

[*30th September 1946.*]

An Act to amend the Indian Electricity Act, 1910, in its application to the Province of Bombay.

WHEREAS it is expedient to amend the Indian Electricity Act, 1910, in its application to the Province of Bombay for the purposes hereinafter appearing; It is hereby enacted as follows :—

IX of 1910.

1. This Act may be called the Indian Electricity (Bombay Amendment) Act, 1946. Short title.

2. To clause (*d*) of section 5 and sub-section (*2*) of section 7 of the Indian Electricity Act, 1910, hereinafter called the said Act, in its application to the Province of Bombay, the following proviso shall be added, namely :— Amendment of sections 5 and 7 of Act IX of 1910.

IX of 1910.

"Provided that where the undertaking vests in the Provincial Government under the provisions of section 7-A for the purposes of valuation, the time of such vesting shall be deemed to be the time of purchase."

3. After section 7 of the said Act, the following new section shall be inserted namely :— Insertion of new section 7-A in Act IX of 1910.

"7-A. (*1*) Notwithstanding anything contained in any law for the time being in force, the Provincial Government may,— Provincial Government may take possession and control of undertaking before purchase is effected.

(*a*) when it elects under clause (*d*) of section 5 to purchase an undertaking, or

(*b*) if it elects under sub-section (*2*) of section 7 to purchase an undertaking, on the expiry of the period of notice required to be given under sub-section (*4*) thereof

pending the purchase of the undertaking, at any time by order require the licensee to deliver possession of such undertaking to such officer as the Provincial Government may appoint in that behalf on or before such day as may be specified in the order, and the licensee shall comply with such order. On failure of the licensee to comply with such order, the Provincial Government may forthwith enter into possession of such undertaking.

(*2*) On the date of compliance with the order, or the day specified therein which ever is earlier the provisions of clause (*e*) of section 5 or sub-section (*3*) of section 7, as the case may be, shall, without prejudice to the right of the licensee to payment of the value of the undertaking, apply to such undertaking as if the purchase had been effected."

4. In section 42 of the said Act, clauses (*a*), (*b*) and (*c*) shall be re-lettered as "(*b*)", "(*c*)" and "(*d*)" respectively and before clause (*b*) as so relettered the following new clause shall be inserted, namely :— Amendment of section 42 of Act IX of 1910.

"(*a*) fails to comply with a requisition under section 7-A; or"

5. Where the Provincial Government has before the coming into force of this Act taken possession of any undertaking pending the purchase thereof by it under the said Act, such possession shall be deemed to have been taken in pursuance of an order issued under section 7-A of the said Act. Possession taken before the coming into force of this Act deemed to be possession taken under new section 7-A.

[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1946, Pt. V, page 59; for Proceedings in Assembly; *see* Bombay Legislative Assembly Debates, 1946, Vol. IX; and for Proceedings in Council, *see* Bombay Legislative Council Debates, 1946, Vol. X.